

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.336 OF 2006

Smt.Ethel Santu Kutinho & ors.	Petitioners
versus	
Lawrance Elis Correia, since deceased through heirs & ors.	Respondents

Mr.A.G.Kundekar for petitioners.

Mr.K.S.Dewal for respondent nos.1(A) to 1(D), 2
to 7.

Mr.Kumbhakoni, Associate Advocate General with
Ms.Mhaispurkar-AGP for respondent no.9.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Heard learned counsel appearing for the parties. My attention has been invited to the order dated 23rd February 2007 as well as order dated 4th May 2007 passed by this Court.

2. The learned Associate Advocate General has placed on record a communication dated 20th June 2007 made by the State Government to the Registrar General of this Court. Paragraph no.2 of the said communication reads thus :-

"2. The State Government has now decided to reconstitute the Maharashtra Revenue Tribunal by restoring the earlier provisions of the Maharashtra Land Revenue Code, 1966. Accordingly, the H.E. the Governor of Maharashtra has been requested to promulgate the necessary ordinance to that effect. The necessary proposal in this regard has been submitted to the H.E. the Governor of Maharashtra vide file No.MRT-1007/C.R.21 (Part 2)/T-1 on 15.06.2007."

3. The said communication shows that now steps have been taken for reconstituting the Maharashtra Revenue Tribunal by resorting to the provisions of the Maharashtra Land Revenue Code, 1966. In view of this communication, it is obvious that now in near future, the Maharashtra Revenue Tribunal will be duly re-established. The communication dated 20th June 2007 shows that the State Government has approached this Court for suggesting names of the Members to be appointed to the Maharashtra Revenue Tribunal.

4. In view of this development, the petition need not be kept pending.

5. The challenge in this writ petition under Article 227 of the Constitution of India is to

the order dated 27th March 2003 passed by the Commissioner, Konkan Division. The said order is an interim order passed by the Commissioner in a revision application filed by the first to seventh respondents.

6. The grievance of the petitioners is that their rights are seriously prejudiced by the impugned order. As set out earlier, now the Maharashtra Revenue Tribunal is being reconstituted and as the revision application arises under the Bombay Tenancy and Agricultural Lands Act, 1948, the same is bound to be transferred to the reconstituted Maharashtra Revenue Tribunal.

7. It is always open to the petitioner to apply to the Maharashtra Revenue Tribunal for modification/vacation of order dated 27th March 2003. Therefore, the petition can be disposed of by reserving liberty in favour of the petitioners to apply for an appropriate relief before the reconstituted Maharashtra Revenue Tribunal. If the Maharashtra Revenue Tribunal is not constituted within a period of four months from today, it will always be open for the petitioners to apply to this Court for revival of this

petition.

8. Hence, the petition is disposed of by keeping the remedy of the petitioners open to apply to the reconstituted Maharashtra Revenue Tribunal for modification/vacation of order dated 27th March 2003. If such an application is made, the Tribunal is bound to consider the same and decide the same expeditiously and in accordance with law.

9. If the Maharashtra Revenue Tribunal is not reconstituted within a period of four months from today, the petitioners are at liberty to apply to this Court for revival of this petition. There will be no order as to costs. Parties and all concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

(A.S.OKA, J.)